



Cape EA Prac

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PUBLIC PARTICIPATION PLAN

for

THEMEDA PV AND ASSOCIATED INFRASTRUCTURE

on

Portion 7 of the Farm Elandsfontein 34.

Date : 16 March 2022
Reference : DIT725/03
Applicants : Themeda PV (Pty) Ltd.
DFFE Reference : 2022-01-0010
DFFE Case Officer : Ms Juliet Mahlangu.

The applicant is proposing the establishment of a 100 Megawatt PV project and associated infrastructure, on the abovementioned property. The facility is known as Themeda PV. The public participation will be undertaken with an additional PV Facility on the same property known as Aristida PV.

This plan is submitted in compliance with regulation GNR660 published on 05 June 2020 in terms of the Disaster Management Act. In compliance with section 5.1 and annexure 2 of these regulations a public participation plan must be presented to the competent authority for approval prior to implementation. The mechanism of a pre-application meeting will be utilised to present this plan to the Department for approval. The request for pre-application meeting is submitted to the Department at the same time as this submission. The approval / refusal of this plan will be included in the minutes of this pre-application meeting.

Section 40(2) in Chapter 6 of regulation 982 requires that the public participation process contemplated in this regulation must provide access to all information that reasonably has or may have the potential to influence any decision with regard to an application unless access to that information is protected by law and must include consultation with—

- (a) the competent authority;
- (b) every State department that administers a law relating to a matter affecting the environment relevant to an application for an environmental authorisation;
- (c) all organs of state which have jurisdiction in respect of the activity to which the application relates; and

(d) all potential, or, where relevant, registered interested and affected parties.

CONSULTATION WITH AUTHORITIES AND ORGANS OF STATE.

In order to comply with this requirement, the proposal is to provide all parties listed in sub sections a, b and c above with access to full digital copies of the Draft Scoping Reports (DSR) and Draft Impact Reports Assessment Reports (DEIR), Draft Environmental Management Programmes (DEMP) and all specialist studies and plans. Such digital copies will be provided to the competent authority, organs of state and state departments via two digital platforms (website and direct download link). Where authorities such as DFFE and SAHRA, have online submission portals, these portals will be utilised for the submission of such reports. Where such authorities, state departments or organs of state do not have access to digital platforms, sanitised copies of the documentation will be provided to such parties upon request.

The following authorities and organs of state have been preliminary identified for this project:

- Transnet National Ports Authority.
- DFFE – Biodiversity Conservation Directorate.
- The local municipality.
- The district authority.
- North West Department of Economic Development, Environment, Conservation and Tourism
- The Department of Water and Sanitation
- Local Catchment management Agency
- Department of Agriculture
- Provincial Roads Authority
- SANRAL
- CAA
- Provincial Heritage Authority
- South African Heritage Resources Agency
- Department of Mineral Resources
- Department of Energy
- Eskom

Additional key stakeholders may be identified based on the outcome of the initial specialist assessments.

CONSULTATION WITH POTENTIAL I&APs:

In terms of point d above, all Interested & Affected Parties (I&APs) that are identified or register as part of the process will be provided access to the DSR, DEIR, DEMPr and all specialist reports and plans via the following:

1. The digital copy of the documentation that will be on the Cape EAPrac website and direct download link.
2. Potential and registered I&APs will be informed that copies of the documentation can be provided via postal or courier services should they not have access to the digital platforms provided.

GENERAL REQUIREMENTS

Section 41 in Chapter 6 of regulation 982 details the public participation process that has to take place as part of an environmental process. The table below provides lists these requirements along with the proposed actions in order to comply with both Section 41 in regulation 982 as well as section 5.1 and annexure 2 of regulation 660.

Regulated Requirement	Proposed Actions
<p>(1) If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land.</p> <p>(2) Subregulation (1) does not apply in respect of-</p> <p>(a) linear activities;</p>	<p>A landowner consent for the development has been obtained in terms of this requirement and no deviation or additional actions in terms of regulation 660 is required.</p>
<p>The person conducting a public participation process must take into account any relevant guidelines applicable to public participation as contemplated in section 24J of the Act and must give notice to all potential interested and affected parties of an application or proposed application which is subjected to public participation by -</p>	
<p>(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of -</p> <p>(i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and</p> <p>(ii) any alternative site;</p>	<p>2 site notices will be placed at the boundary of the property and the main access point to the property. No deviation or additional actions in terms of regulation 660 are required in this regard.</p>
<p>(b) giving written notice, in any of the manners provided for in section 47D of the Act, to -</p>	
<p>(i) the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site on which the activity is to be undertaken, the owner or person in control of the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p>	<p>The landowner will be requested to assist with identification and notification of all tenants and occupiers on the properties. No deviation or additional actions in terms of regulation 660 are required in this regard.</p>
<p>(ii) owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken or to any alternative site where the activity is to be undertaken;</p>	<p>Owners of adjacent properties for the non linear components will be notified of this environmental process and will be provided with access to digital copies of the documentation via the website and direct download link. Landowners will be informed that copies of the documentation can be provided via postal or courier services should they not have access to the digital platforms. Such owners will be requested to inform the occupiers of the land of this environmental process and the process to obtain copies of the relevant reports.</p>
<p>(iii) the municipal councillor of the ward in which the site or alternative site is situated and any organisation of ratepayers that represent the community in the area;</p>	<p>The ward councillor will notified of this environmental process and will be provided with access to the digital copies of the documentation. The Ward Councillors will be informed that copies of the documentation can be provided via postal or courier services should they not have access to the digital platforms.</p>
<p>(iv) the municipality which has jurisdiction in the area;</p>	<p>All relevant departments of the Local Municipality as well as the District Municipality will be provided with access to the digital copies of the documentation. Municipal officials will be informed that copies of the documentation can be provided via postal or courier services should they not have access to the digital platforms.</p>

Regulated Requirement	Proposed Actions
(v) any organ of state having jurisdiction in respect of any aspect of the activity; and	All organs of state that have jurisdiction in respect of the activity will be notified of this environmental process and will be provided with access to the digital copies of the documentation. Organs of State will be informed that copies of the documentation can be provided via postal or courier services should they not have access to the digital platforms.
(vi) any other party as required by the competent authority;	DFFE will be given an opportunity to comment on the DSR, DEIR and DEMPr. Should they identify additional parties that need to provide comment, copies of the documentation and opportunity to comment will be provided to such parties.
(c) placing an advertisement in - (i) one local newspaper; or (ii) any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	An advert calling for registration of I&As and notification of the availability of documentation will be placed in a local newspaper. There is currently no official Gazette that has been published specifically for the purpose of providing public notice of applications
(d) placing an advertisement in at least one provincial newspaper or national newspaper, if the activity has or may have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii);and	Adverts will not be placed in provincial or national newspapers, as the potential impacts will not extend beyond the borders of the municipal area.
(e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to - (i) illiteracy; (ii) disability; or (iii) any other disadvantage.	Notifications will include provision for alternative engagement in the event of illiteracy, disability or any other disadvantage. In such instances, Cape EAPrac will engage with such individuals in such a manner as agreed on with the competent authority.
(3) A notice, notice board or advertisement referred to in subregulation (2) must - (a) give details of the application or proposed application which is subjected to public participation; and (b) state - (i) whether basic assessment or S&EIR procedures are being applied to the application; (ii) the nature and location of the activity to which the application relates; (iii) where further information on the application or proposed application can be obtained; and (iv) the manner in which and the person to whom representations in respect of the application or proposed application may be made.	All notice boards will be placed in terms of this requirement and no deviation or additional actions in terms of regulation 660 is required.
(4) A notice board referred to in subregulation (2) must - (a) be of a size at least 60cm by 42cm; and	All notice boards placed will comply with this requirement.

Regulated Requirement	Proposed Actions
(b) display the required information in lettering and in a format as may be determined by the competent authority.	
<p>(5) Where public participation is conducted in terms of this regulation for an application or proposed application, subregulation (2)(a), (b), (c) and (d) need not be complied with again during the additional public participation process contemplated in regulations 19(1)(b) or 23(1)(b) or the public participation process contemplated in regulation 21(2)(d), on condition that -</p> <p>(a) such process has been preceded by a public participation process which included compliance with subregulation (2)(a), (b), (c) and (d); and</p> <p>(b) written notice is given to registered interested and affected parties regarding where the -</p> <p>(i) revised basic assessment report or, EMPr or closure plan, as contemplated in regulation 19(1)(b);</p> <p>(ii) revised environmental impact report or EMPr as contemplated in regulation 23(1)(b); or</p> <p>(iii) environmental impact report and EMPr as contemplated in regulation 21(2)(d);</p> <p>may be obtained, the manner in which and the person to whom representations on these reports or plans may be made and the date on which such representations are due.</p>	<p>This will be complied with if final reports are produced later in the environmental process.</p>
<p>(6) When complying with this regulation, the person conducting the public participation process must ensure that -</p> <p>(a) information containing all relevant facts in respect of the application or proposed application is made available to potential interested and affected parties; and</p> <p>(b) participation by potential or registered interested and affected parties is facilitated in such a manner that all potential or registered interested and affected parties are provided with a reasonable opportunity to comment on the application or proposed application.</p> <p>(7) Where an environmental authorisation is required in terms of these Regulations and an authorisation, permit or licence is required in terms of a specific environmental management Act, the public participation process contemplated in this Chapter may be combined with any public participation processes prescribed in terms of a specific environmental management Act, on condition that all relevant authorities agree to such combination of processes.</p>	<p>All reports that are submitted to the competent authority will be subject to a public participation process. These include:</p> <ul style="list-style-type: none"> - Draft Scoping Report - Draft Environmental Impact Report - Draft Environmental Management Programme - All Maps and Plans - All specialist reports that form part of these environmental processes.

AMENDMENTS TO THIS PLAN:

We submit that changes to this plan may be necessitated depending on COVID lockdown levels that are subject to change. Such changes will be submitted to the competent authority for approval prior to implementation.

Should there be a need to make use of the permissible additional 30-day period (per step in the Environmental process) that may require amendments to this public participation plan, it will be done in consultation with the DFFE.

Please contact the undersigned, should there be any queries regarding the implementation of this PP Plan.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line extending to the left.

Dale Holder

Cape EAPrac.